

## PRIVILEGES OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following staff have the privilege of the floor during the consideration of H.R. 2673, the Agriculture appropriations bill: Patricia Raymond, Fitzhugh Elder, Hunter Moorhead, Dianne Preece, Galen Fountain, Jessica Arden, William Simpson, Meghan McCarthy, Larissa Sommer, and Mike Neilson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that Ms. Barbara Peicheo, a fellow in my office, be allowed floor privileges for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Daniela Ligiero, who is a fellow in my office, be granted the privilege of the floor during the pendency of consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING LEGAL REPRESENTATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 259 which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 259) to authorize legal representation in Bell Aviation, Inc., et al. v. Sino Swearingen Aircraft Co., L.P., et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns representation by the Senate legal counsel of Senator ROCKEFELLER and an employee in his office, who have been subpoenaed to provide testimony and office records at depositions in a civil business dispute in Dallas County, TX.

The subpoenas are seeking information about communications between the defendant business jet aircraft company, which has a manufacturing plant in Martinsburg, WV and the Senator's office, as well as Senator ROCKEFELLER's activities in connection with his service as Chairman, and now ranking minority Member, of the Subcommittee on Aviation of the Senate Committee on Commerce, Science, and Transportation.

This resolution would authorize the Senate legal counsel to represent Senator ROCKEFELLER and his staff in connection with these subpoenas in order to protect the privileges of the Senate.

Mr. BENNETT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table en bloc, and any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 259

Whereas, in the case of Bell Aviation, Inc., et al. v. Sino Swearingen Aircraft Co., L.P., et al., Cause No. 03-02532, pending in the District Court of Dallas County, Texas, the plaintiffs have obtained from the Superior Court of the District of Columbia subpoenas for deposition testimony and document production by Senator John D. Rockefeller IV and Terri Giles, a staff member in the office of Senator Rockefeller;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Rockefeller and Terri Giles in connection with the subpoenas issued in this action.

#### AUTHORIZING DESIGN AND CONSTRUCTION OF VISITOR CENTER FOR THE VIETNAM VETERANS MEMORIAL

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 310, H.R. 1442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1442) to authorize the design and construction of the visitor center for the Vietnam Veterans Memorial.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. I ask unanimous consent that the Thomas amendment, which is at the desk, be agreed to; that the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2113) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 1442), as amended, was read the third time and passed.

#### HOMELAND SECURITY FEDERAL WORKFORCE ACT

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the im-

mediate consideration of Calendar No. 240, S. 589.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 589) to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist Government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I support passage of the Homeland Security Federal Workforce Act, S. 589, and urge favorable Senate action and swift House adoption, as well. Senators AKAKA and DURBIN deserve great credit for developing this legislation last Congress with Senator THOMPSON and pursuing it to passage this year.

I share their concern that we need to do more to recruit and retain outstanding personnel in our pursuit of national security. I believe that includes our law enforcement personnel. For the last two Congresses I have sponsored the Federal Prosecutors' Retirement Benefit Equity Act, which is now S. 640. That bill, which is cosponsored by Senators HATCH, MIKULSKI and DURBIN, would correct an inequity that exists under current law whereby Federal prosecutors receive substantially less favorable retirement benefits than nearly all others involved in the federal criminal justice system. We have proposed that Assistant United States Attorneys be included as law enforcement officers under the Federal Employees' Retirement System and Civil Service Retirement System. I urge the Republican chairs of the Government Affairs Committee and the Subcommittee on Oversight of Government Management, the Federal workforce, and the District of Columbia to make enactment of that measure a priority rather than allow it to continue to languish without action year after year.

Similarly, I am a cosponsor of the Law Enforcement Officers Retirement Equity Act, S. 819, which was introduced by Senator MIKULSKI and is cosponsored by Senators SARBANES and CAMPBELL. This measure would include Customs agents, Treasury agents, and Homeland Security agents whose duties include the investigation or apprehension of suspected or convicted individuals and who are authorized to carry a firearm within the definition of "law enforcement officer" for purposes of retirement benefits equity. This measure, likewise, is one that has been introduced and reintroduced but that has not received attention from the Government Affairs Committee or Subcommittee. In the interest of fairness and in recognition of the sacrifices that our officers make every day on our behalf, I urge attention to this measure.

I also note that last Congress the Senate Judiciary Committee favorably reported the Innocence Protection Act of 2002, which included provisions on student loan forgiveness. The bill would have established a program under which full-time prosecutors and public defenders could apply for repayment assistance of the Federal Stafford loans and would have extended the Perkins loan forgiveness program to include public defenders. I commend Senator DURBIN for his strong leadership in these matters. Unfortunately, those improvements and encouragements to young lawyers were blocked and are not yet enacted. They need to be. We must ensure that full-time public defenders have equivalent eligibility if the public defense function is to fulfill its constitutionally required role in our criminal justice system.

Specifically, with respect to the Homeland Security Federal Workforce Act that we consider today, I believe the program it establishes for student loan repayment can be an important incentive for our national security programs and understand those to include our law enforcement agents and officers. I regret that the substitute amendment lowers the maximum amount of loan repayment from \$80,000 to \$60,000 but believe it is an important start and should be used broadly as an incentive to both recruit and retain our national security employees. According to Dr. Paul Light of the Brookings Institution Center for Public Service, in 2002 the Department of Justice and the Department of Defense together awarded student loan repayment to only seven employees. To have its intended effect to recruit and retain outstanding talent to government service, especially national security positions that include law enforcement, we need to have a broad-based incentive through loan forgiveness. Student loans, include law school loans, that saddle talented and public-spirited graduates are a key reason so many opt for higher paying jobs in the private sector. An effective program of student loan forgiveness can help counterbalance that pressure.

I regret that the bill as written limits its application to executive departments like the Department of Justice and does not include Federal courts, which oversee our federal public defenders. Our prosecutors and our public defenders need this assistance and incentive to join and remain as critical components of the criminal justice system. To skew programs to help only one side of the criminal justice system is shortsighted and unfair. For more information on this important topic of loan forgiveness, I urge consideration of pages 37 through 40 of Senate report 107-315.

I am concerned that the Bush administration and its Office of Personnel Management will adopt an unreasonably restrictive view of those Federal employees who contribute to our national security. As I read the sub-

stitute amendment, the determination of national security positions is left to the Secretary of the Department of Homeland Security, the Secretary of the Treasury, the Attorney General and the other agency heads. That decision no longer is intended to reside with the Director of the Office of Personnel Management. That is an improvement. I hope that it will lead to a more broadly-based determination of the employment positions eligible for the student loan repayment program to include all who contribute to our national security.

I also look forward to enactment of the fellowship program provided by the bill and the strengthening of our national security workforce. I have been extremely disappointed by the efforts made at the Department of Justice to fulfill the mandates of the USA PATRIOT Act with respect to improving our workforce. As I detailed recently in connection with the confirmation hearing for the nominee to be the Deputy Attorney General, the Attorney General has yet to give us a straight answer with respect to hiring the necessary Arabic translators. That was a need I identified within days of the September 11, 2001 attacks and insisted be addressed in the PATRIOT Act. Over the last 2 years the Department has been both evasive and inconsistent in its answers regarding implementation of those provisions in that Act. Recently the FBI has, again, put out the call for assistance and additional translators. While Senator VOINOVICH may be correct that these provisions in the bill may be necessary, it is my hope that they will encourage the administration to do that which it could have done but has not under existing authority.

The administration has a long way to go to provide for our national security. I support this bill as another bipartisan effort by the Senate to help it along the way.

Mr. BENNETT. I ask unanimous consent that the Collins substitute amendment which is at the desk be agreed to; that the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2114) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 589), as amended, was read the third time and passed.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 108-10

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 5, 2003, by the President of the

United States: Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment (Treaty Document 108-10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

#### *To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Convention on International Interest in Mobile Equipment and the Protocol on Matters Specific to Aircraft Equipment, concluded at Cape Town, South Africa, on November 16, 2001. The report of the Department of State and a chapter-by-chapter analysis are enclosed for the information of the Senate in connection with its consideration.

The essential features of the Convention and Aircraft Protocol are the establishment of an international legal framework for the creation, priority, and enforcement of security and leasing interests in mobile equipment, specifically high-value aircraft equipment (airframes, engines, and helicopters), and the creation of a worldwide International Registry where interests covered by the Convention can be registered. The Convention adopts "asset-based financing" rules, already in place in the United States, enhancing the availability of capital market financing for air carriers at lower cost. The Convention's and Protocol's finance provisions are consistent with the Uniform Commercial Code with regard to secured financing in the United States.

This new international system can significantly reduce the risk of financing, thereby increasing the availability and reducing the costs of aviation credit. As a result, air commerce and air transportation can become safer and environmentally cleaner through the acquisition of modern equipment facilitated by these instruments. The new international system should increase aerospace sales and employment, and thereby stimulate the U.S. economy.

Negotiation of the Convention and Protocol has involved close coordination between the key Federal agencies concerned with air transportation and export, including the Departments of State, Commerce, and Transportation, as well as the Eximbank, and U.S. interests from manufacturing, finance, and export sectors.

Ratification is in the best interests of the United States. I therefore urge the Senate to give early and favorable consideration to the Cape Town Convention and Aircraft Protocol, and that the Senate promptly give its advice and consent to ratification, subject to the seven declarations set out in the